

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER KING, J.D. A/K/A
KINGCAST, and JOHN NOVAK,

Plaintiffs,

v.

LIQUOR AND CANNABIS BOARD OF
THE STATE OF WASHINGTON; JANE
RUSHFORD, Chair of the Liquor and
Cannabis Board; RICK GARZA, Director
of the Liquor and Cannabis Board; JAY
INSLEE, Governor of Washington;
ROBERT FERGUSON, Washington
Attorney General; WILLIAM P. BARR,
U. S. Attorney General; AND OFFICE OF
NATIONAL DRUG CONTROL POLICY

In their Individual and Official Capacities,

Defendants.

No. 2:20-CV-01494-RAJ

DECLARATION OF
MICHELLE A. CARR
REGARDING
COMPLIANCE WITH MEET
AND CONFER
REQUIREMENTS

1. I am an Assistant Attorney General in the Licensing and Administrative Law Division of the Office of the Attorney General. In that capacity, I represent Governor Jay Inslee; Attorney General Robert Ferguson; the Liquor and Cannabis Board of the State of Washington; Jane Rushford, Chair of the Liquor and Cannabis Board; and Rick Garza, Director of the Liquor

1 and Cannabis Board (State Defendants) in the above captioned case. I am at least 18 years of
2 age, competent to testify as a witness, and have personal knowledge of the facts related in this
3 declaration.

4 2. I make this declaration regarding my compliance with the Honorable Richard A.
5 Jones' standing order, requiring that prior to filing any motion the parties meet and confer.
6

7 3. On November 12, 2020, I notified Plaintiffs Christopher King and John Novak
8 via electronic mail that the State Defendants intended to file a motion to dismiss for lack of
9 jurisdiction and requested that we schedule a time to meet and confer to discuss the motion.

10 4. On November 17, 2020, at 12:30 p.m. I met and conferred via Zoom with
11 Plaintiffs Christopher King and John Novak, concerning State Defendants' planned motion to
12 dismiss. I explained that the basis for the motion to dismiss is that the questions of law raised in
13 the complaint are state and not federal, thereby making federal court jurisdiction improper.
14 Additionally, I explained that our position is that all State Defendants are immune from suit
15 under either the Eleventh Amendment or the doctrine of qualified immunity.
16

17 5. I clearly identified the legal support for the motion to dismiss, and Plaintiffs
18 offered their legal basis for disagreement with my position.
19

20 6. Although the parties had a productive conversation, at the end we agreed to
21 disagree and therefore could not reach agreement that would avoid the need for State Defendants
22 to file their motion to dismiss.

23 7. I declare under penalty of perjury under the laws of the State of Washington that
24 the foregoing is true and correct.
25
26

1 DATED this 19th day of November 2020.

2
3
4 ROBERT W. FERGUSON
ATTORNEY GENERAL

5 s/ Michelle A. Carr
6 MICHELLE A. CARR, WSBA # 53647
7 *Assistant Attorney General*
8 1125 Washington Street SE
9 PO Box 40110
Olympia, WA 98504
Michelle.Carr@atg.wa.gov
LalOlyEF@atg.wa.gov
(360) 586-2644

10 Counsel for State Defendants
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26